

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

DOROTHY BROCK-BURCHETT

PLAINTIFF

v.

No. 4:20-cv-374-DPM

MCNEW FABRICATION, INC. and
JEFFREY MCNEW

DEFENDANTS

ORDER

Jeffrey McNew admitted in his answer that he and his corporation employed Brock-Burchett. *Doc. 10 at ¶ 23*. He now moves to dismiss the claims against himself, arguing failure to state a claim based on his exclusively corporate role. *Doc. 11*; FED. R. CIV. P. 12(b)(6). Brock-Burchett's co-employment claims are plausible. The federal and state statutes create a broad category of who qualifies as an "employer." 29 U.S.C. §§ 203(a) & (d); ARK. CODE ANN. § 11-4-203(4)(A). Brock-Burchett has alleged McNew's involvement with and authority over her employment with sufficient particulars to bring him within the statutes' category. *Wirtz v. Pure Ice Co.*, 322 F.2d 259, 262-63 (8th Cir. 1963). Motion, *Doc. 11*, denied.

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.
United States District Judge

22 September 2020